

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS KEVIN MOORE,

Plaintiff,

v.

VINCENT C. WESTRA,

Defendant.

Case No. 1:24-cv-641

HON. JANE M. BECKERING

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MEMORANDUM OPINION AND ORDER

Plaintiff, proceeding pro se, initiated this action in June 2024. On July 3, 2024, the Magistrate Judge issued a Report and Recommendation, recommending that the action be dismissed upon initial screening pursuant to 28 U.S.C. § 1915(e)(2)(B) on grounds that the Complaint fails to state a claim. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation (ECF No. 7), which this Court has reviewed, in accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3).

In his submission, Plaintiff delineates the purported judicial misconduct by Defendant, who apparently presided over Plaintiff's criminal case in state court (Pl. Obj., ECF No. 7 at PageID.30–36). Plaintiff fails to address—let alone identify error in—the Magistrate Judge's determinations that Defendant enjoys absolute judicial immunity and that this Court lacks jurisdiction to resolve any appeal from a state court decision. *See* R&R, ECF No. 6 at PageID.28; *see also* W.D. Mich. LCivR 72.3(b) (requiring an objecting party to “specifically identify the portions of the proposed

findings, recommendations or report to which objections are made and the basis for such objections”). Therefore, the objections are properly denied.

Additionally, a Judgment will be entered consistent with this Memorandum Opinion and Order. *See* FED. R. CIV. P. 58. For the above reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) and consistent with the Magistrate Judge’s Report and Recommendation that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610–11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Accordingly:

IT IS HEREBY ORDERED that the Objections (ECF No. 7) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 6) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Complaint (ECF No. 1) is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B) for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: August 8, 2024

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge